

REMARKS

STATUS OF RELATED APPLICATIONS

The following US, foreign, and international patent applications are or may be considered to be related to the application herein. Relevant documents pertaining to such cases are or have been provided in one or more separately-filed Information Disclosure Statements. The status of the such applications is summarized in order to ensure that the Office is fully apprised of the current state thereof. In the event the Office has any questions about the identified cases, the Examiner is requested to call Applicant's representative at the number below.

Number	Country	Status
00941399.8	European Patent Office	Pending
00941400.4	European Patent Office	Pending
08164433.8	European Patent Office	Pending
04752770.0	European Patent Office	Abandoned
06109732.8	Hong Kong	Abandoned
7305079	United States of America	Granted
7162020	United States of America	Granted
7257205	United States of America	Granted
11/926724	United States of America	Pending
11/748679	United States of America	Pending
7292858	United States of America	Granted
11/777703	United States of America	Pending
11/476760	United States of America	Pending
11/748679	United States of America	Pending

Number	Country	Status
7274782	United States of America	Granted
7440561	United States of America	Granted
12/203160	United States of America	Pending
7680511	United States of America	Granted
60/185070	United States of America	Expired
60/139498	United States of America	Expired
60/211392	United States of America	Expired

Cross Reference to Related Applications

Applicant respectfully reminds the Examiner of the following cases, aspects of which may be material to the application herein. The current application claims benefit of U.S. Provisional Application Nos. 60/139,498 and 60/185,070. The current application is the parent application to U.S. Application No. 12/695,650 and U.S. Patent No. 7,680,511.

STATUS OF APPLICATION

Prior to any amendments made herein, claims 1-26 and 29 are pending in the application. Claims 27-28 were previously cancelled. Claims 1-26 and 29 stand rejected under 35 USC §103. As explained further below, Applicant respectfully traverses.

By this Response, clarifying amendments are made to claim 1. Support for the amendments is provided throughout the application, including at paragraph [0033] of the application as published (see US 2002/0019246). Claim 26 has been amended to more closely resemble claim 1.

The clarifying amendments made herein are made solely in order to expedite examination of the application. No new matter is added by the amendment.

Applicant notes that each and every amendment and argument entered herein is made in view of the particular circumstances surrounding the application at this point in time, and, in view of such circumstances, in the interest of advancing examination of the case. Applicant expressly reserves the right to disclaim any or all such amendments and/or arguments in subsequent prosecution, in the interest of recapturing, upon entry of such disclaimer, any disclaimed claim scope. Applicant respectfully suggests to the Examiner that it may be necessary to, and hereby requests that in fact the Examiner do, re-visit and reconsider all art cited against the claims in previous prosecution, in case any amendment made herein re-opens any question of the applicability of such art.

Rejections under 35 USC § 103

Claims 1-5, 8-13, 15-18 and 26 stand rejected under 35 USC 103 having regard to U.S. Patent No. 5,978,672 (hereinafter "Hartmaier") in view of U.S. Patent No. 6,381,323 (hereinafter "Schwab"). Claims 19-25 and 29 stand rejected under 35 USC 103 having regard to Hartmaier in view of Schwab and further in view of U.S. Patent No. 5,958,652 (hereinafter "Eriksson"). Applicant respectfully traverses. Applicant further respectfully submits that the rejections are mooted by the clarifying amendments entered by this Response.

In order to establish a case of obviousness, "the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be determined; and the level of ordinary skill in the art resolved. Against this background the obviousness or non-obviousness of the subject matter is determined. **KSR Int'l Co. v. Teleflex Inc., 127 S.Ct. 1727 (2007)**, citing *Graham v. John Deere Co.*, 383 U.S. 1 (1966).

In order to reject a claim based on a combination of references, as explained at MPEP 2143 (citing the Supreme Court in *KSR v. Teleflex*), "Office personnel must resolve the *Graham* factual inquiries...

Then, Office personnel must articulate the following:

- (1) a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference;
- (2) a finding that one of ordinary skill in the art could have combined the elements as claimed by known methods, and that in combination, each element merely performs the same function as it does separately;
- (3) a finding that one of ordinary skill in the art would have recognized that the results of the combination were predictable; and
- (4) whatever additional findings based on the *Graham* factual inquiries may be necessary, in view of the facts of the case under consideration, to explain a conclusion of obviousness.

KSR, 82 USPQ2d at 1395; *Sakraida v. AG Pro, Inc.*, 425 U.S. 273, 282, 189 USPQ 449, 453 (1976); *Anderson's-Black Rock, Inc. v. Pavement Salvage Co.*, 396 U.S. 57, 62-63, 163 USPQ 673, 675 (1969); *Great Atlantic & P. Tea Co. v. Supermarket Equipment Corp.*, 340 U.S. 147, 152, 87 USPQ 303, 306 (1950).

"[I]t can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does." *KSR*, 82 USPQ2d at 1396.

MPEP 2143 further notes that if "any of these findings cannot be made, then this rationale cannot be used to support a conclusion that the claim would have been obvious to one of ordinary skill in the art."

Claims 1-18 and 26

For the purposes of this rejection, independent claim 1 is representative. The cited references fail to disclose or suggest at least the limitations of "connecting said first communication path to either one of the second and third communication path when one of the second or third communication path is

authenticated by sending a request for one or more particular dual tone multi-frequency (DTMF) tones and receiving an acknowledgement signal including the one or more particular DTMF tones.” Applicant respectfully requests reconsideration and withdrawal of the rejection.

None of the cited references teach or suggest connecting said first communication path to either one of the second and third communication path when one of the second or third communication path is authenticated by sending a request for one or more particular dual tone multi-frequency (DTMF) tones and receiving an acknowledgement signal including the one or more particular DTMF tones.

Claim 1 of the current application recites a telecommunication device comprising a telephony interface for receiving a telephone voice call. The telephony interface connects the voice call to a user by connecting said first communication path to either one of the second and third communication path when one of the second or third communication path is authenticated by sending a request for one or more particular dual tone multi-frequency (DTMF) tones and receiving an acknowledgement signal including the one or more particular DTMF tones.

In other words, the device recited in claim 1 can route an incoming call to two or more devices. When the call is answered at one of these devices, the path to the other device may be lost. There may be some situations, however, where it may be advantageous to keep the path to the other device available until it has been determined that the call has been answered by the user and not, for example, by a wireless carrier. This is explained in paragraphs [0032]-[0033] of the current application as follows:

In known systems, wireless carriers often answer a call if there is a bad connection, the wireless channels are overloaded, or for other reasons (such as initiating a wireless carrier's answering service). When the wireless carrier answers the call in these situations, the

call would appear to WC 30 as an "answered call" even if the user did not actually answer the call.

One way to distinguish a user answered call from a wireless service answered call is to prompt the user to transmit an acknowledgement signal such as a dual tone multi-frequency (DTMF) tone to the WC 30 via the keypad of the wireless device. Upon detecting the answered call, WC 30 can send a voice message instructing the user to "press the # button to complete the call." If the DTMF tone is not received, then the WC 30 presumes that the call was answered by the wireless carrier, or that the user does not want to answer the call which the WC 30 treats as an unanswered call.

In other words, the device of claim 1 sends a request to the user for an acknowledgment (comprising a DTMF tone or tones) before presuming that the call has been properly answered and possibly losing a path to the other device.

On page 3 of the Office Action, it is acknowledged that "Hartmaier does not specifically teach where the telephony interface routes the call to at least two wireless destination telephone numbers substantially simultaneously via respective second and third communication paths, and the telephony interface connecting the voice call to a user by connecting the first communication to one of the second or third communication path to either one of the second and third communication path is authenticated by the user." With this statement, Applicant is in agreement.

However, the Office Action goes on to point to the PIN acceptance feature in Schwab as anticipating the authentication by a user. The PIN acceptance feature is described in Schwab as follows:

[T]he subscriber has activated a PIN acceptance feature so that someone who answers a call for the subscriber will not be able to

intercept the call, the platform will prompt for a PIN entry. Assuming the subscriber answers the phone in her car, she will enter her PIN and the call is completed to the subscriber's car. The platform plays a polite announcement to the person who answered the business phone who did not have the PIN and then disconnects the call.

As explained in this excerpt from Schwab, the PIN acceptance feature protects a subscriber from an unauthorized user who may intercept a call. In Schwab, the user may be prompted for a PIN number. However, this prompt will necessarily not include the particular DTMF tones required as that would defeat the purpose of requiring a PIN entry. Hence, Schwab does not teach or suggest sending a request for one or more particular dual tone multi-frequency (DTMF) tones and receiving an acknowledgement signal including the one or more particular DTMF tones as recited in amended claim 1.

Therefore, it is submitted that amended claim 1 is patentable over Hartmaier and/or Schwab, whether taken alone or in combination, because Hartmaier and Schwab fail to teach or suggest all of the features recited in amended claim 1. Amended claim 26 recites similar features and is patentable for the same reasons. Claims 2-18 depend from claim 1 and are patentable for at least these reasons.

Claims 19-25 and 29

For the purposes of this rejection, independent claim 19 is representative. The cited references fail to disclose or suggest at least the limitations of "generating and sending a simulated dial tone to the cellular telephone." Applicant respectfully requests reconsideration and withdrawal of the rejection.

The cited references do not teach or suggest generating and sending a simulated dial tone to the cellular telephone.

Claim 19 recites a telecommunication device comprising a telephony interface coupled to an enterprise telecommunication network. The telephony interface receives a telephone call from a cellular telephone and generates and sends a simulated dial tone to the cellular telephone.

This is explained in paragraph [0044] of the current application as follows:

At step 308, the WC 30 "spoofs" a dial tone to the virtual office telephone 82, 84, 86, 88 and remote device 70. That is, the WC 30 generates and transmits a dial tone as if the user had picked up a conventional office telephone hardwired to the PBX 14. In a preferred embodiment, the spoofing of the dial tone is achieved by the WC internally generating the appropriate tone (e.g., through software or hardware modules). The dial tone is then played to the virtual office telephone 82, 84, 86, 88 or remote device 70 as a prompt while waiting to receive DTMF digits from the user indicating the telephone number the user wishes to dial.

As an aside, Applicant note that some of the claim features which the Office Action states are disclosed in Schwab in relation to claim 19 on pages 10-11, do not appear in claim 19.

On page 11 of the Office Action, it is stated that "Hartmaier and Schwab do not specifically teach where the telephones are cellular telephones; and generating and sending the simulated dial tone to the wireless telephone to provide access to the enterprise communications network..." With respect to this statement, Applicant is in agreement.

The Office Action goes on to state, however, that Eriksson teaches generating and sending the simulated dial tone to the cellular telephone at column 7, lines 28-40. This section of Eriksson describes how a dial tone may be sent from the PBX to a mobility server connected between the PBX and one or more cordless radio exchanges. Eriksson does not teach or suggest generating and sending a

simulated dial tone to a cellular telephone as recited in claim 19 of the current application.

Therefore, it is submitted that amended claim 19 is patentable over Hartmaier and/or Schwab and/or Eriksson, whether taken alone or in combination, because Hartmaier, Schwab and Eriksson fail to teach or suggest all of the features recited in claim 19. Independent claim 29 recites similar features and is patentable for the same reasons. Claims 20-25 depend from claim 19 and are patentable for the same reasons.

CONCLUSION

Applicant believes that it has responded to each ground of rejection raised by the Examiner, and that for at least the reasons cited above the claims, as presented, are in condition for immediate allowance. Applicant respectfully requests reconsideration and allowance of the claims.

Applicant is concerned to advance this application as quickly as is reasonably possible. Accordingly, Applicant respectfully requests that, in the event the Examiner has any further questions about this application, the Examiner call Applicant's attorney at the number provided below.

Applicant believes that no fees are due in connection with the filing of this paper. In the event that the office determines that any fee is due, Appellant requests that such fee be charged to its Deposit Account No. 195113.

Applicant requests that any questions concerning this matter be directed to the undersigned at the number provided below.

Respectfully submitted,

Dated: April 19, 2011 ____

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